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FEDERAL ELECTION

OFFICE OF GENERAL

COUNSEL

ON NOV 19 1 A 9: 17

November 12, 2004

Jeff S. Jordan, Supervisory Attorney Kim C. Stevenson, Esq. Federal Election Committee Washington, D.C. 20463

Re: Committee to Elect Cynthia Matthews and Kinde Durkee,

Its Treasurer

MUR 5569

Dear Mr. Jordan and Ms. Stevenson:

This law firm is counsel to Kinde Durkee and Durkee and Associates LLC (collectively, Durkee). A designation of counsel form is attached. Ms. Matthews and the Committee are represented by separate counsel.

Durkee is the treasurer of Committee to Elect Cynthia Matthews. A declaration from Kinde Durkee explaining her lack of familiarity with virtually any of the facts related to your investigation.

Durkee believes that, once you have reviewed these materials, you will find it appropriate to close any investigative file as to Durkee. Meanwhile, if you have further questions or need to discuss this matter further, please give me a call.

Very truly yours,

Laurence S. Zakson

of REICH, ADELL, CROST & CVITAN

LSZ/caw Enclosures cc: Kinde Durkee

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LAURENCE S. ZAKSON (CSB 119435), Member of REICH, ADELL, CROST & CVITAN 2 A Professional Law Corporation 3550 Wilshire Boulevard, Suite 2000 Los Angeles, California 90010 Telephone: (213) 386-3860 Facsimile: (213) 386-5583 5 Attorneys for Responding Party 6 7 8 Before the United States Government 9 Federal Election Commission 10 11 In Re: CASE NO. MUR 5569 12 DECLARATION OF KINDE DURKEE Committee To Elect Cynthia Matthews & Kinde 13 Durkee, Its Treasurer 14 15 16 17 I, Kinde Durkee, declare: 18 19 1. [Identification] 20 21 I am a professional treasurer retained by various 22 | political committees to assure their compliance with federal and 23 state campaign finance laws. From March 16, 2004 to present, I 24 have been the treasurer for the Committee to Elect Cynthia 25 Matthews (Committee). As such, I drafted and filed reports with 26 the Federal Election Commission on behalf of the Committee. All 27 such work was performed either by me or, more usually, by an employee under my direct supervision.

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All of the facts set forth in this declaration are based on my own personal knowledge unless otherwise expressly noted.

## 2. [KFI AM]

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a. At no time during my service as the Committee's treasurer 7 has anyone identified to me as representing radio station KFI AM or the so-called "John and Ken Show" ever contacted me or, based on my investigation, anyone on my staff to inform me or us of 10 efforts being made by KFI AM and/or its employees, including its 11 employees on the "John and Ken Show," to assist the Matthews 12 campaign or of any in-kind contribution to the Committee by KFI 13 AM. Further, although, during this same period, I regularly spoke 14 with candidate Cynthia Matthews, at no time has she or anyone 15 associated with the Matthews campaign ever informed me of efforts 16 being made by KFI AM and/or its employees, including its employees 17 on the "John and Ken Show," to assist the campaign or of any in-18 kind contribution to the Committee by KFI AM.

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- During my service as campaign treasurer, Ms. Matthews b. 21 has regularly informed me and/or my staff, in the ordinary course 22 |of business, of contributions, including in-kind contributions, 23 the Committee has received. Accordingly, it is my impression, 24 from this experience, that I would have been informed had there 25 been any intentional coordination between the Committee and KFI 26 AM.
- 27 I have no recollection of Ms. Matthews ever informing me 28 | that the campaign or Ms. Matthews in any way coordinated an event

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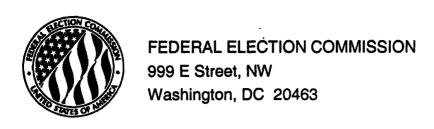
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1 with KFI AM, including a so-called "political rally" on 2 September 16, 2004. Because this is the type of unusual  $3 \parallel$ occurrence which I would recall if someone had told me about it, I 4 believe that I never heard anything about such an event. 5 6 3. [News Coverage] I have no recollection of Ms. Matthews 7 ever informing me that the campaign or Ms. Matthews received news 8 coverage because of the statements made on, or activities of, KFI 9 AM, including the "John and Ken Show." I have no recollection of 10 ever hearing or seeing any news coverage--on CNN or otherwise--of 11 the campaign or Ms. Matthews because of the statements made on, or 12 activities of, KFI AM, including the "John and Ken Show." Because 13 I usually pay attention to and recall news coverage of my clients, 14 | I believe that I never encountered any such coverage.

I declare under penalty of perjury under the laws of the 17 United States of America that the foregoing is true and correct to 18 the best of my knowledge and information, and that this declaration was executed this \_\_\_// day of November, 2004 in Burbank, CA.

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-3-



## Statement of Designation of Counsel (Respondent/Witness)

Name of Counsel: Lavrence Zakson
Firm: Reich, Adell, Crost & Critan
3550 Wilshire Boulevard, Suite 2000, Los Angeles, CA 90010
Telephone: (213) 386-3860
Fax: (213 ) 3.86-5583
The above named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.    1   3   0 4
Name (Print): Kinde Durkee
Address: 601 South Glenoaks Boulevard, Suite 208
Burbank, CA 91502
Telephone: Home ()
Business ( <u>818</u> ) <u>260-0669</u>

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.